

REMARKS

Claim 1 has been amended by substituting a preferred optical isomer of the compound of formula I, identified as formula I* and supported by the structure at the end of the first full paragraph on page 5, and with minor stylistic or grammatical changes for clarity.

Claims 2 and 8-10 have been amended with minor stylistic or grammatical changes for clarity.

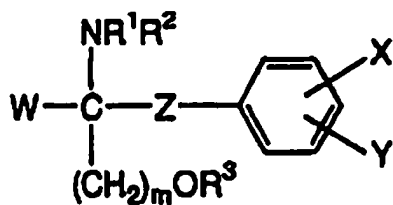
No new matter has been added to the Application as a result of these amendments.

Applicants appreciate that the Examiner has withdrawn the 35 USC 102(b) rejection of Claims 1-6, 8-10 and 11-19 and has indicated that the species elected for search purposes remains free of the prior art.

Claims 1, 2, and 8-10 are therefore now currently pending in the instant Application, for which a favorable reconsideration is respectfully requested.

Claims 1, 2 and 8-10 have been rejected under 35USC103(a) as unpatentable over WO 9606068.

Published European Patent Application EP0 778 263A1 (believed equivalent to its published International parent, WO 96/06068(A1); Yoshitomi Pharmaceutical Industries, Ltd., with Tetsuro Fujita the first named inventor) describes benzene compounds of the

formula:  and thirty-seven subgeneric compound sets thereof, including seventy-one named such compounds and 747 preferred

compounds represented by their chemical components, as well as optically-active isomers thereof, racemates, diastereomers and salts thereof, particularly pharmaceutically-acceptable salts thereof, as well as medicinal compositions, particularly immunosuppressants, containing the same, which compounds are said to be useful as inhibitors/suppressants of organ or bone marrow transplant rejection, as a preventive or remedy for autoimmune diseases and/or inflammatory diseases or disorders, such as articular rheumatism, multiple sclerosis, primary biliary cirrhosis, type I diabetes mellitus, hemolytic anemia, systemic lupus erythematosus, myasthenia gravis, Sjögren's syndrome, uveitis, atopic eczema, Behçet's disease, Crohn's disease, glomerulonephritis, ulcerative colitis, and Evans' syndrome, as well as aplastic anemia, pollinosis, and other conditions, and as an antifungal agent and hair-growth stimulant.

While there are some similarities between some of the '263 compounds and those of the instant invention, there is no sound, either scientific or art-based, basis that any of the '263 compounds are homologs of the fluorinated compounds of the present invention. Further, the stereospecificity of Applicants' compounds is neither taught, nor fairly suggested by any of the exemplified compounds or discussion of the reference.

Thus, the '263 reference neither discloses nor reasonably suggests the novel and unexpected stereospecific, fluorinated compounds of the instant invention.

Reconsideration and withdrawal of this rejection is, therefore, respectfully requested.


SUMMARY

In view of Applicants' amendments and arguments, they respectfully believe that all pending Claims are now in condition for allowance and earnestly solicit such favorable action, with an early Notice of Allowance being issued. If

any remaining matters need to be resolved, however, Applicants respectfully request a telephone interview (the undersigned attorney may be contacted at the telephone number set forth below) with the Examiner prior to any adverse action being issued by the Office in response to these arguments, in order to facilitate allowance of the pending Claims.

Respectfully submitted,

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